

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

JAMES CHAPMAN, individually and)
d/b/a CHAPMAN'S LT PLUS)

Plaintiff,)

v.)

No. 1:09-cv-247

Edgar / Carter

MO BAHADORI, individually and)
d/b/a ouratlasstore, d/b/a wesellu4less,)
d/b/a bestatlessstore, d/b/a my_atlas_store,)
d/b/a getudeals, d/b/a welike2deal,)
d/b/a onlyontheweb, and/or d/b/a)
mycaldeals,)

Defendant.)

ORDER

Plaintiff James Chapman, individually and d/b/a Chapman's LT Plus, brings this action for patent infringement pursuant to 35 U.S.C. §§ 271 *et seq.* against Defendant Mo Bahadori, individually and d/b/a ouratlasstore, d/b/a wesellu4less, d/b/a bestatlessstore, d/b/a my_atlas_store, d/b/a getudeals, d/b/a welike2deal, d/b/a onlyontheweb, and/or d/b/a mycaldeals ("Defendant" or "Defendant Bahadori").

This matter is before the court for consideration of the Report and Recommendation entered by United States Magistrate William Carter on June 16, 2010. [Court Doc. No. 12]. No parties have filed timely objections to the Report and Recommendation. *See* 28 U.S.C. § 636.

On June 8, 2010 Magistrate Carter held an evidentiary hearing pursuant to this court's order [Court Doc. No. 7]. Magistrate Carter's Report and Recommendation contains several conclusions of law pertaining to the appropriate amount of damages for patent infringement, whether a permanent injunction should be issued, and whether attorneys' fees are appropriate in

this case. Following an evidentiary hearing on the subject, Magistrate Carter determined that \$47,520.00 was an appropriate amount of damages for lost profits based on Defendant Bahadori's patent infringement. Magistrate Carter further recommended that the amount of damages owed to the Plaintiff should be trebled due to Defendant's knowing, willful, and intentional infringement. The Report and Recommendation recommended a total damages award of \$142,560.00.

Magistrate Carter further recommended awarding Plaintiff prejudgment interest of ten percent (10%) per annum. *See Wackenhut Serv., Inc. v. Int'l Guards Union of Am., Local No. 3*, No. 3:08cv304, 2010 WL 1491439, at *7-8 (E.D. Tenn. Apr. 12, 2010); Tenn. Code Ann. § 47-14-123. Thus, Magistrate Carter made the following recommendations regarding damages:

Chapman is entitled to receive prejudgment interest on the total damages award of \$142,560.00 at the statutory rate of ten percent (10%) from December 15, 2009, until the date of the Court's entry of its judgment assessing damages.

Chapman further is entitled to receive post-judgment interest on the total damages award from the date of the Court's entry of its judgment assessing damages until the total damages amount is paid in full, as specified in 28 U.S.C. § 1961.

As the prevailing party, Chapman is entitled to recover all costs incurred in this lawsuit

[Court Doc. No. 12].

Magistrate Carter found that attorneys' fees were not appropriate in this action, and he further recommended that Defendant Bahadori be permanently enjoined from infringing United States Letters Patent No. D593,427. This court agrees with Magistrate Carter's assessments regarding the amount of damages, the treble damage award, prejudgment interest, post-judgment interest, and permanent injunction.

The court has carefully reviewed the matter. The court **AGREES** with Magistrate

Carter's recommendation. The court hereby **ACCEPTS and ADOPTS** the **Report and Recommendation** in its entirety.

A separate judgment will be entered.

SO ORDERED.

ENTER this the 13th day of July, 2010.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE